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Sen. Brown requests legislation to protect rights of Michigan property owners after Supreme Court ruling

LANSING – The rights of property owners across Michigan will be more secure and more clearly defined thanks to legislation requested by state Sen. Cameron S. Brown, R-Fawn River Township.

Following a U.S. Supreme Court ruling last week that allows the seizure of private property for economic development projects, Brown requested legislation to strengthen Michigan's existing eminent domain statute.

The 5-4 Supreme Court decision upheld a Connecticut city's effort to force several residents to sell their homes so in turn they could be demolished to make room for an office complex. The court ruled that states and municipalities have the right to make their own individual laws regarding the seizure of private property for the public good.

"This action by the Supreme Court is a wake up call," Brown said. "We must ensure that there is absolutely no ambiguity or question about the private property rights of Michigan residents."

According to the majority opinion, the decision was made based on cases in which the court previously interpreted "public use" to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

Brown's legislation would clarify that private business ventures could not fall under this "public use" definition.

"Private property rights are at the heart of our American liberties," Brown said. "These rights cannot be nullified in the name of another office building or strip mall."

Brown's legislation will accompany an amendment to the Michigan Constitution being introduced by state Sen. Tony Stamas, R-Midland, that will also strengthen constitutional private property rights.

"The decision handed down by the U.S. Supreme Court in *Kelo v. New London* was surprising to many people, including myself," Stamas said. "Private property rights are one of the backbone principles our nation was founded upon. The Supreme Court ruling essentially gave the decision making power on this back to the states. The Michigan Supreme Court has previously ruled in favor of property owners, but this constitutional amendment is necessary to ensure that those rights cannot be eroded in the future."

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